REMARKS

The Office Action, mailed April 2, 2008, considered and rejected claims 1-22, 24-31 and 33-38. Claims 1-10, 18, 19, 22-33, 37 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* (U.S. Patent No. 5,748,896) in view of *Rogers* (U.S. Patent No. 5,701,451 and *Schieltz* (U.S. Patent No. 5,659,787). Claims 11-17 and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly*, *Rogers* and *Schieltz*, and further in view of *Quan* (U.S. Patent No. 5,230,051). Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly*, *Rogers* and *Schieltz*, and further in view of *Auty* (U.S. Patent No. 5,809,161).[1]

By this paper, claims 1, 30, 31, 33 and 37 are amended, and no claims are added or cancelled.[2] Accordingly, following this paper, claims 1-22, 24-31 and 33-38 are pending, of which claims 1, 30, 31, 33 and 37 are the only independent claims at issue.

As reflected in the above claim listing, Applicant's claims are generally directed to methods and computer-readable media for a polling server system to poll a monitored system to monitor the performance of various services provided by the monitored server system. As reflected in claim 30, for example, a method is recited from the perspective of the monitored server system, and includes receiving a single query from the polling server system, and which requests a compilation of information about the performance of the multiple services offered by the monitored server system. A determination is made as to which of the plurality of services information is requested, and a single reply is generated that includes the compilation of information about the performance of the different services offered. The compilation itself includes information indicating that at least one of the different services has one or more deficiencies. The generation of the single reply further includes gathering a first set of data about the plurality of different services in response to receipt of the single query, and then adding that first set of data to the reply. A second set of data is also added to the reply and includes information about the plurality of different services, but was gathered autonomously by the monitored server system, independent of receipt of the single query. Both types of information are then transmitted in the reply to the polling server system. Based on the indication that one of the services has performance deficiencies, polling requests for information are then received in an increased frequency.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the claim amendments can be found throughout Applicant's original application, including at least the disclosure on pages 15-19 of the application as originally filed.

Claim 33 recites a computer readable medium that generally corresponds to the method of claim 30. Claim 1 recites a similar method from the perspective of the polling server system, and thus includes generation of the single query, transmission of the single query, receipt of the reply that includes the compilation of information that includes the first and second sets of information, and updating first and second server system lists with information about the monitored server system so that systems in the first list are polled with increased frequency. It is also recited that the compilation of information includes the second set of information that is additionally obtained using at least one interval established in the monitored server system as opposed to the polling server system. Claim 31 recites a computer readable medium generally corresponding to the method of claim 1. Claim 37 further recites a method related to the method of claim 1, but further reciting elements related to messaging services, including compilation in the reply that includes information about a buffer service—collected autonomously at a first interval—and a facility for updating the buffer service—collected at a second, and greater, interval.

While the cited art generally relates to remote managing of network services (*Daly*), fulfilling requests made over a network (*Rogers*), and polling procedures over a network (*Schieltz*), Applicant respectfully submits that the art fails to render the claims unpatentable for at leas the reason that the cited art fails, whether cited alone or in combination, to disclose or reasonably support providing a reply of consolidated information and which includes information collected in response to a request for information as well as additional information gathered autonomously, as such are recited in combination with the other claim elements. This is particularly so when considering that different intervals may also be used internally by the monitored server system from which information is requested (claims 1, 31 and 37).

In particular, *Daly* discloses a system for managing services distributed among various network servers. Although *Daly* provides a mechanism for generating a single request for retrieving status data about instantiations of multiple service components (e.g., a file service, print service, email service, etc.), *Daly* does not disclose that information about the performance of the services is compiled into one reply from a monitored server system. (*Office Action*, pp. 3, 5). Inasmuch as *Daly* fails to disclose a compilation of information in a reply, it necessarily therefore also fails to disclose that the compilation of information includes two sets of data, where one set of data is generated in response to receipt of the query, and where a second set of data is generated autonomously, independent of the receipt of the query. Indeed, *Daly* specifically discloses that it is when objects are invoked that items are retrieved from a shared library to a specific memory area where the service

objects can write to. (Col. 9, ll. 45-50). Thus, the service object can then obtain network service instantiation data and status from the servers to then write them into the memory area for access by the server manager. (Col. 9, ll. 50-56). Thus, in *Daly* all information requested from the different servers, is obtained in the same manner, such that there is no distinction between obtaining data in response to a query and autonomously obtaining information independent of the query.

Applicant respectfully submits that the other art of record also fails to remedy the deficiencies of *Daly*, whether such are also considered in isolation or in combination. For example, *Rogers* discloses a method for fulfilling requests of a web browser. Specifically, *Rogers* relates to more effectively using information available in many different databases on many different servers. (Col. 4, ll. 15-23). In the process of *Rogers*, data is retrieved from multiple sources in response to a single request. (Col. 4, ll. 52-66; Col. 5, ll. 28-37). More particularly, Web server calls a control program that passes a client request to a data interpretation system, and invoke DIS capsules. The DIS capsules are executed on a server and gather data from one or more databases and then create a report that are stored in a file that can be formatted and presented back to the user. (Col. 7, ll. 24-49). Notably, *Rogers*, like *Daly*, discloses that capsules are executed to thereby gather the data from the databases. Nothing in *Rogers*, however, discloses or reasonably supports that some of the information is gathered in response to a query or request, while other information is gathered autonomously and independent of the request.

Furthermore, with reference to *Daly*, because the services of *Daly* are distributed amongst numerous network servers, even though *Daly* sends a single request to the multiple servers, *Daly* must receive multiple replies about the status of the services from each server. If combined with *Rogers* then the combination can, at most, be interpreted to allow an intermediate third party to obtain the multiple replies and then consolidate them for being provided to the requestor. Notably, however, even if such replies were somehow to be intercepted and compiled together, this is still in direct contrast to pending claims which require that the compilation about the multiple services be performed at the same monitored server system that offers the services (e.g., claims 30, 33). Thus, a third party that compiles information from different providers fails to disclose or reasonably support the pending claims in which the monitored server system that offers the multiple services also compiles the information about the multiple services into a consolidated reply.

Furthermore, *Schieltz* is no more instructive in these regards. Specifically, *Schieltz* disclose a polling procedure and specifically discloses the manner in which a polling system classifies different devices so as to poll them efficiently. For example, the system classifies devices into different

groups, with the different groups being polled at different frequencies. (Abstract; Col. 2, ll. 43-61; Col. 49-54). Notably, however, *Schieltz* provides no information about compiling information from different services or even how information is gathered by the polled system, but is instead devoted to the procedure as viewed from the polling system. Thus, *Schieltz* fails to disclose or reasonably support—whether cited alone or in combination with the other references—that a consolidated reply is received or generated and includes information gathered in two opposite manners (autonomously and in response to a request).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 30th day of September, 2008.

Respectfully submitted,

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MS 35-25-1-1 - AMENDMENT D FOR OFFICE ACTION MAILED 02APR2008.DOC